



PLANNING COMMISSION AGENDA

Wednesday, March 28, 2007

5:00 p.m. STUDY SESSION
Meeting Procedures and Commission Role
Room # T-332

6:30 p.m. General Plan & Regular Meeting

Council Chambers
City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Christopher Platten	Bob Dhillon
Ash Kalra	
Matt Kamkar	Lisa Jensen

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, March 28, 2007**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

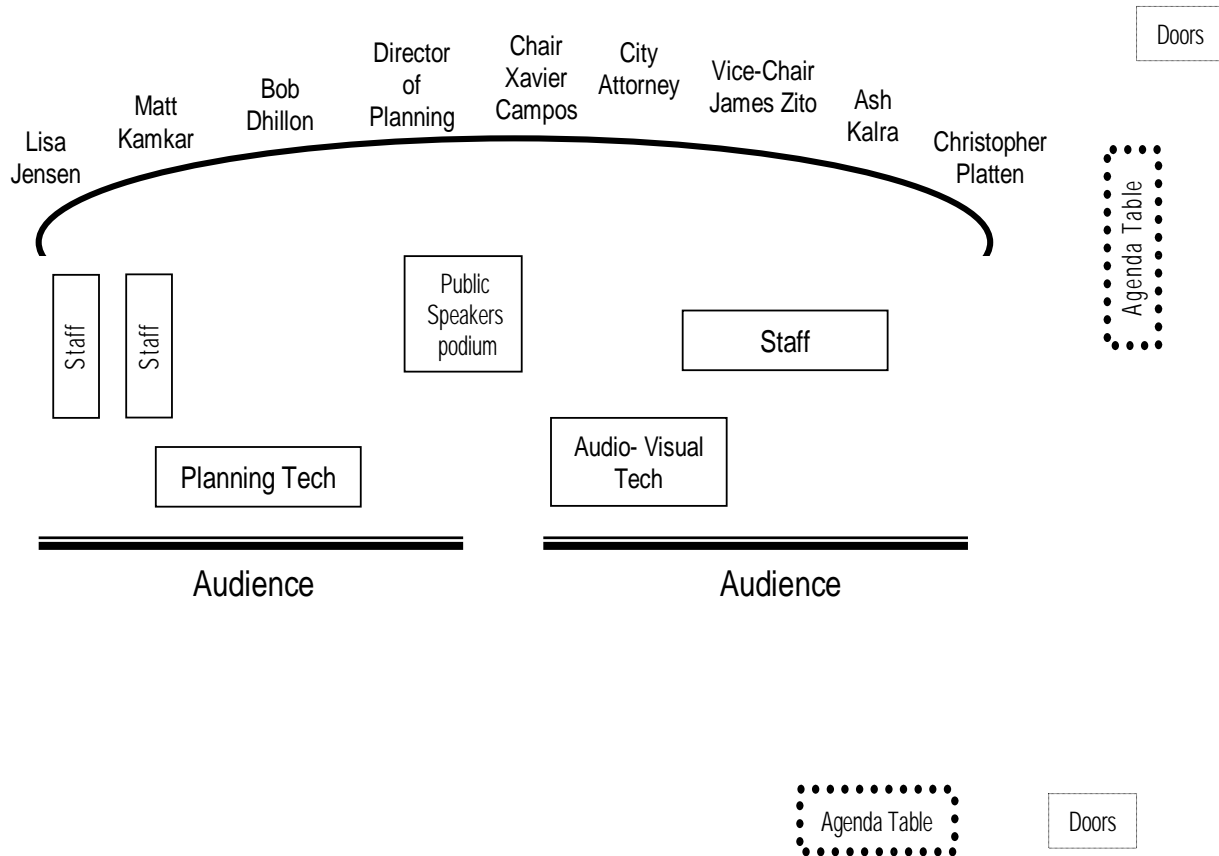
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. The projects being considered are located at the northeasterly corner of Cottle and Poughkeepsie Roads (IBM, Owner). Council District 2. SNI: None. CEQA: Environmental Impact Report resolution to be adopted.

- 1. **CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR)**
for the Lowe's project referenced under item 2 below.

DEFER TO 4-11-07

- 2. **PDC 06-003**. Planned Development Rezoning from the IP (PD) Planned Development Zoning District to the A (PD) Planned Development Zoning District to allow the demolition of the existing industrial park buildings (Buildings 025, and 024 and 030) and associated site improvements, the removal of up to 385 trees from the site, and the construction of a new, approximately 204,000 square foot commercial facility (including a retail/ commercial use, with a single occupant greater than 100,000 square feet (with a garden center), and other retail/ commercial uses.

DEFER TO 4-11-07

- b. **CP06-064**. Conditional Use Permit to allow vehicle and trailer leasing on a 0.22 gross acre site in the LI Light Industrial Zoning District, located at/on north side of W. San Carlos Street approximately 200 feet east of Bird Avenue (597 W San Carlos St.) (Warehousing, Processing & Allied Workers Union Local 6, ILWU, Owner). Council District 3. SNI: Delmas Park. CEQA: Exempt. **Deferred from 3-14-07.**

DEFER TO 4-11-07

3. **CONSENT CALENDAR**

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **CPA00-024-01**. Wireless - Conditional Use Permit Renewal to allow an existing 45 foot high monopole to extend to 60 feet in height, and an associated 401 square foot equipment facility on a 0.56 gross acre site in the CP Pedestrian Commercial Zoning District, located on South side of Sharon Drive approximately 250 feet easterly of South De Anza (7247 Sharon Drive) (Garcia Paul Trustee, Owner). Council District 1. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit Renewal to allow an existing 45 foot high monopole to extend to 60 feet in height, and an associated 401 square foot equipment facility as recommended by Staff.

- b. **PDC05-099**. Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 575 Single-family attached residential units, approximately 2700 square feet of retail commercial uses and a one-acre park site on a 11.19 gross acre site, located on the north side of Montague Expressway, approximately 550 feet westerly of N 1st Street (Hyundai Merchant Marine, Owner; Legacy Partners Residential, Developer). Council District 4. SNI: None. CEQA: Addendum to the North San Jose Development Policies Update EIR.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 575 Single-family attached residential units, approximately 2700 square feet of retail commercial uses and a one-acre park site as recommended by Staff.

The following items are considered individually.

NOTE: General Plan Amendment items will be heard following the following public hearing items. The Flea Market site General Plan amendments will be heard no earlier than 7:30 p.m.

4. PUBLIC HEARINGS

- a. [HD07-158](#). Historic District Designation request to designate as a Historic District the area generally bounded on the north by West San Fernando Street, on the east by Highway 87 & the VTA Light Rail right-of-way, on the west by Los Gatos Creek and on the south by the rear property lines of lots on the north side of Park Avenue, and on the southeast by Sonoma Street and Lakehouse Avenue on an approximately 6 acre site. (Various Owners/City of San Jose, Applicant). CEQA: Exempt. Council District: 3. SNI: Delmas Park.

Staff Recommendation:

Recommend the City Council approve the designation of the subject area as the Lake House City Landmark Historic District.

- b. [TR05-178](#). APPEAL of the Planning Director's decision to approve a Tree Removal Permit requiring replacement of two Sycamore trees (approximately 100 and 104 inches in circumference at two feet above grade) that were removed without an approved Tree Removal Permit for the property located at the northwest corner of Camino Ricardo and Willow Street (1099 Camino Ricardo) (Mr Todd Holt, Owner) in the R-1-8 Single-Family Residence Zoning District. Council District 6. SNI: None. CEQA: Exempt.

Staff Recommendation:

Uphold the Director's decision to approve a Tree Removal Permit requiring replacement of two Sycamore trees and other mitigation as recommended by Staff.

5. CONTINUE PLANNING COMMISSION SPRING 2007 HEARING ON GENERAL PLAN AMENDMENTS FROM MARCH 14, 2007

6. GENERAL PLAN CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [GP06-07-04](#). GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to General Commercial on an approximately 3.6-acre site located on the east side of Senter Road, approximately 600 feet south of Wool Creek Drive (2222 and 2232 Senter Road). (E L S Properties Corporation, Owner/ Green Valley Corporation, Applicant) Council District: 7. SNI: Tully-Senter. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration in compliance with CEQA. Recommend to the City Council approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation to Combined Industrial/Commercial in accordance with the recommendation previously made by the Planning Commission on November 13, 2006.

- b. [GP05-04-08](#). GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation to add a Transit/Employment Residential (55+ DU/AC) overlay on an approximately 30.4-acre site currently designated Industrial Park located on the westerly side of North First Street approximately 450 feet south of the intersection of North First Street and Rio Robles, east of the Guadalupe River, and north of the intersection of North First Street and Innovation Drive (3331 through 3475 North First Street). (WYSE Technology Investments, Inc. and Valley Transportation Authority, Owners/WYSE Technology Investments, Inc. and City of San José Staff, Applicants) Council District: 4. SNI: None. CEQA: Addendum to the North San Jose Development Policies EIR.

Staff Recommendation:

Consider the Environmental Impact Report in compliance with CEQA. Recommend to the City Council approval of the General Plan Amendment request to change the Land Use/Transportation Diagram designation to add a Transit/Employment Residential (55+ DU/AC) overlay on an approximately 30.4-acre site.

- c. [GP07-04-01](#). GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial on an approximately 15.6-acre site located on Ridder Park Drive on the north side of Ridder Park Drive, bounded by Interstate 880 and Brokaw Road, west of Coyote Creek (Sand Hill Property Company, Owner/Metropolitan Planning Group, Applicant). Council District: 4. SNI: None. CEQA: Addendum to a Negative Declaration for General Plan Amendment File No. GP99-04-04/GP99-T-2.

Staff Recommendation:

Consider the Negative Declaration in compliance with CEQA. Recommend to the City Council approval of the General Plan Amendment request to change the Land Use/Transportation Diagram designation to Combined Industrial/Commercial on an approximately 15.6-acre site.

7. GENERAL PLAN PUBLIC HEARING CALENDAR

TO BE HEARD NO EARLIER THAN 7:30 P.M.

- a. The projects being considered are located on an approximately 120.3-acre site on both sides of Berryessa Road, west of Union Pacific Railroad tracks, east of Coyote Creek and north of Mabury Road (1590 Berryessa Road, San Jose Flea Market site). Council District 4. SNI: None. CEQA: EIR Resolution to be adopted.
1. [Certification of Final Environmental Impact Report](#) (EIR) for San Jose Flea Market prepared for a General Plan Amendment and Planned Development Rezoning (File Nos. GP/GPT06-04-01/PDC03-108) to change the land use designation from Combined Industrial/Commercial on 24.3 acres to Transit Corridor Residential (20+ DU/AC) with a Flexible Land use Boundary; to increase building height limit from 120 feet to 150 feet on a portion of the site south of Berryessa Road; add a Major Collector roadway through the project site between Mabury and Berryessa Roads; and a Planned Development Rezoning to allow up to 2,818 residential dwelling units and 365,622 square feet of commercial/industrial/office uses on a 120.3-acre site. SCH. No. 2005042070. Circulated: December 22, 2006 through February 12, 2007. Council District: 4.

Staff Recommendation:

Planning staff recommends that the Planning Commission find that the Final EIR prepared for this project has been completed in compliance with and conforms to the requirements of CEQA and that the Final EIR reflects the City's independent judgment and analysis. The Planning Commission further directs staff to forward and present the certified Final EIR to the City Council for review and consideration.

2. [GP06-04-01/GPT06-04-01](#). GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designations on a portion of the site to: 1. Change the land use designation of the site from Transit Corridor Residential (TCR) (20+ dwelling units per acre) on 58.4 acres, and Combined Industrial/Commercial (CIC) on 31 acres to TCR (20+ DU/AC) on 82.8 acres and CIC on 6.6 acres (convert approximately 24.4 acres of CIC to TCR (20+ DU/AC)). 2. Increase the maximum building height limit from 120 feet to 150 feet between Mabury and Berryessa Roads, and add a Flexible Land Use Boundary for the 120.3-acre site. 3. Revise Appendix E of the General Plan to downgrade Sierra Road from a four-lane Major Collector to a two-lane Major Collector from Flickinger Avenue to Berryessa Road and to add a Major Collector on the site from Mabury to Berryessa Road. The current Medium Density Residential (8-16 DU/AC) on 8 acres and Public Park/Open Space on 22.8 acres will remain unchanged (Bumb & Associates, Owner/Applicant). Council District: 4. SNI: None. CEQA: Environmental Impact Report.

Staff Recommendation:

Consider the Environmental Impact Report in compliance with CEQA. Recommend to the City Council approval of the staff alternative recommendation of: 1. No change to the portion of the site north of Berryessa Road; redesignate 10 acres of Combined Industrial/Commercial land south of Berryessa Road to Transit Corridor Residential (20+ du/ac) on 9 acres and Public Park/Open Space on 1 acre; and 2. Increase the maximum building height limit from 120 feet to 150 feet between Mabury and Berryessa Roads east of the Union Pacific Railroad tracks; and 3. Revise Appendix E of the General Plan to downgrade Sierra Road from a four-lane Major Collector to a two-lane Major Collector from Flickinger Avenue to Berryessa Road and to add a Major Collector on the site from Mabury to Berryessa Road.

- b. [GP05-04-09](#). GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designations from Combined Industrial/Commercial to Neighborhood/Community Commercial on 0.8 acres and High Density Residential (25-50 DU/AC) on 3.2 acres on an approximately 4-acre site located at the south side of Murphy Avenue (1172 Murphy Avenue), approximately 550 feet easterly of the intersection of Murphy Avenue and Oakland Road (Bob Dhillon, Owner/Anthony Ho, Applicant). Council District: 4. SNI: None. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council denial of the General Plan Amendment request to change the Land Use/Transportation Diagram designations to Neighborhood/Community Commercial on 0.8 acres and High Density Residential (25-50 DU/AC) on 3.2 acres on an approximately 4-acre site.

- c. The projects being considered are located on two sites generally bounded by industrial buildings on the south side of Auzerai Avenue to the north, Lincoln Avenue and Northrup Street to the east, Interstate 280 to the south, and Race Street to the west. Council District 6. SNI: None. CEQA: EIR Resolution to be adopted.

1. **Certification of Final Environmental Impact Report** (EIR) for the General Plan amendments File Nos. **GP05-06-01/GP05-06-02/GPT05-06-02 and Planned Development Zoning File Nos. PDC06-024 and PDC06-025** as recommended by staff.

Staff Recommendation:

Certify the Environmental Impact Report in compliance with CEQA.

2. **GP05-06-01/GP05-06-02/GPT05-06-02**. GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designations from Industrial Park and Combined Industrial/Commercial to High Density Residential (25–50 DU/AC) on approximately 21.5 acres. An amendment to the Midtown Specific Plan to reflect the land use designation change from Combined Industrial/Commercial to High Density Residential (25–50 DU/AC) on approximately 0.3 acres on APN 264-09-047 is included. (Owner/Applicant: Sobrato Development Company; Contact: Tim Steele) Council District: 6. SNI: Burbank/Del Monte. CEQA: EIR Resolution to be adopted.

Staff Recommendation:

Consider the Environmental Impact Report in compliance with CEQA. Recommend to the City Council approval of the General Plan Amendment requests to change the Land Use/Transportation Diagram designations to High Density Residential (25–50 DU/AC) on approximately 21.5 acres.

8. APPROVAL OF PLANNING COMMISSION RECOMMENDATIONS OF SPRING 2007 GENERAL PLAN AMENDMENTS FROM MARCH 14, 2007 TO MARCH 28, 2007

9. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

11. GOOD AND WELFARE

~~a~~.a. Report from City Council

~~b~~.b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
- Coyote Valley Specific Plan (Platten)
- Parks Funding Subcommittee (Zito)

c. Review of synopsis

d. Consider study session dates and/or topics

- San Jose 2020 General Plan: Economic Development and Employment Lands Study
Session March 29, 2007 9:00 AM – Noon Memo to City Council

12. ADJOURNMENT

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	<i>Study Session Coyote Valley Specific Plan EIR</i>	T-332
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session Meeting Procedures and Commission Role</i>	T-332
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session Level of Service Policy</i>	T-332
April 25	6:30 p.m.	Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session Review Capital Improvement Program</i>	T-1654
May 2	6:30 p.m.	Regular Meeting	Council Chambers
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session Economic Development/Retail Strategy</i>	T-332
May 30	6:30 p.m.	Regular Meeting	Council Chambers
June 13	6:30 p.m.	Regular Meeting	Council Chambers
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission Riparian Corridor issues</i>	T-332
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers